

REMARKS

[0001] Claims 15, 17, 21-22, 24, 28 are all the claims presently pending in this application. Claims 15 and 22 have been amended to more particularly define the claimed invention.

[0002] Applicant respectfully submits that entry of the currently amended claims is proper because the currently amended claims will either place the application in condition for allowance or in better form for appeal. Applicant further respectfully submits that no new matter is added to the currently amended claims, nor has the scope of the pending claims changed. Accordingly, no new issues are raised that necessitate a further search of art. Applicant respectfully traverses the rejections based on the following discussion.

I. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

[0003] Claims 15 and 22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 15 and 22 have been amended in a manner believed fully responsive to all points raised by the Examiner to include “said telephone network,” to overcome antecedent basis issues. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. THE PRIOR ART REJECTIONS

A. The 35 U.S.C. § 103(a) Rejection over Bhatia further in view of Weaver and McQuillan

[0004] Claims 15, 17 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bhatia et al., U.S. Pat. App. Pub. No. 2008/0076395, (hereinafter “Bhatia”), further in view of Weaver et al., U.S. Pat. No. 7,149,504 further in view of McQuillan et al., U.S. Pat. No.

7,207,048, (hereinafter “Weaver and McQuillan”).

[0005] The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Bhatia with the teaching from Weaver and McQuillan to form the invention of claims 15, 17 and 21. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

[0006] Applicant’s traverse the Examiner’s rejection since, among other reasons, Weaver discloses translating a communication request from one protocol to another protocol, while Applicant’s claimed invention is directed toward dynamically transforming a routing requirement into an executable routing application that enables routing of a telephone call when executed at a service node.

[0007] More specifically, Applicant submits, that neither Bhatia, nor Weaver and McQuillan, nor any alleged combination thereof, teaches or suggests:

“dynamically transforming said routing requirement into an executable routing application using said parlay gateway,”

“executing said routing application using said service node,” and “routing said telephone call based on results of said routing application,”

“wherein said parlay gateway provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone network,” and

“wherein communications between said service switching point and said parlay gateway bypass signaling transfer points,” of independent claim 15.

[0008] The Examiner alleges that Bhatia teaches or discloses Applicant’s claimed, “returning a routing requirement from said telephony application server to said parlay gateway,” where the

Examiner alleges that Applicant's "routing requirement," is allegedly equivalent to Bhatia's "TVR connection request, connection request between caller and called devices."

[0009] The Examiner alleges that Bhatia teaches or suggests Applicant's claimed, "wherein communications between said service switching point and said parlay gateway bypass signaling transfer points," and cites to paragraph [0031] of Bhatia that in no way suggests communications between the mobile switching center (MSC 110) and the parlay gateway 130 bypass any signaling transfer points.

[0010] The Examiner admits that Bhatia fails to teach or suggest, "dynamically transforming said routing requirement into an executable routing application using said parlay gateway," and "wherein said parlay gateway comprises a HTTP server and provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone network."

[0011] The Examiner alleges that Weaver discloses "location information" transformed into a "protocol understood by an application within the mobile station." Weaver states in column 9, lines 25-33:

In one embodiment, the application 50 may request the 25 location of the mobile station 14 from the location platform server 34 through a Parlay gateway (not shown in FIG. 4). The Parlay gateway may translate the application's request for the location of the mobile station 14 into a protocol understood by the location platform server 34. Additionally, 30 the Parlay gateway may translate the location information obtained from the location platform server 34 into a protocol understood by the application 50. (Emphasis added.)

[0012] However, Applicant respectfully traverses the Examiner's interpretation of Weaver's "translating protocols" as being equivalent to Applicant's claimed "executable routing application." Applicant contends that merely translating from one protocol to another is not equivalent to Applicant's claimed, "dynamically transforming said routing requirement into an executable routing application." This feature of Applicant's invention is important to allow a

service node to independently execute the executable routing application to control routing of the telephone call. Weaver's recipient of the translated protocol is the application 50 which merely manages a polling process used to determine when a mobile station is located within a given range of a desired location, (column 9, lines 3-6).

[0013] Additionally, the Examiner alleges that McQuillan discloses Applicant's claimed, "parlay gateway," is equivalent to McQuillan's webserver 30 with parlay I/F in Fig. 3, and Applicant's claimed, "provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone network," is suggested in McQuillan's disclosure at column 9, lines 9-17, 47-48, and column 10, lines 20-27, 60-65. However, this subsequent disclosure is with respect to the Parlay Client Proxy 50 as denoted in Fig. 4, and not the webserver 30 as illustrated in Fig. 3.

[0014] Additionally, the Examiner fails to provide proper and adequate motivation to combine the references based on one of ordinary skill in the art or based on the teaching or suggestion of the prior art. The Examiner in the third paragraph of page 4 of the Office Action merely states that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Bhatia et al. with the teachings of Weaver and McQuillan by merely reciting the Applicant's claim language. Applicant traverses this rejection as being improper for failing to provide proper motivation to combine the references from the teachings of the references. Therefore, Weaver and McQuillan fail to overcome the deficiencies of Bhatia.

[0015] In summary, Weaver discloses translating a communication request from one protocol to another protocol, and McQuillan discloses a webserver including a parlay interface, while Applicant's claimed invention is directed toward dynamically transforming a routing requirement into an executable routing application that enables routing of a telephone call when executed at a

service node.

[0016] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Bhatia and Weaver and McQuillan (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

B. The 35 U.S.C. § 103(a) Rejection over Bhatia further in view of McQuillan, Dunko and Weaver

[0017] Claims 22, 24 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bhatia et al., U.S. Pat. App. Pub. No. 2008/0076395, (hereinafter "Bhatia"), further in view of McQuillan et al., U.S. Pat. No. 7,207,048 further in view of Dunko et al., U.S. Pat. App. Pub. No. 2002/0072347 and Weaver et al., U.S. Pat. No. 7,149,504, (hereinafter "McQuillan, Dunko and Weaver").

[0018] The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Bhatia with the teaching from McQuillan, Dunko and Weaver to form the invention of claims 22, 24 and 28. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

[0019] Applicant's traverse the Examiner's rejection since, among other reasons, Weaver discloses translating a communication request from one protocol to another protocol, while Applicant's claimed invention is directed toward dynamically transforming a routing requirement into an executable routing application that enables routing of a telephone call when executed at a service node.

[0020] More specifically, Applicant submits, that neither Bhatia, Weaver Dunko nor McQuillan, nor any alleged combination thereof, teaches or suggests:

“dynamically transforming said routing requirement into an executable CCXML routing application using said server and parlay gateway combination,”

“executing said CCXML routing application using said service node,”

“wherein said server and parlay gateway combination provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone network,” and

“wherein communications between said service switching point and said server and parlay gateway combination bypass signaling transfer points,” of independent claim 22.

[0021] The Examiner alleges that Bhatia teaches or suggests Applicant’s claimed, “wherein communications between said service switching point and said parlay gateway bypass signaling transfer points,” and cites to paragraph [0031] of Bhatia that in no way suggests communications between the mobile switching center (MSC 110) and the parlay gateway 130 bypass any signaling transfer points.

[0022] The Examiner admits that Bhatia fails to teach or suggest Applicant’s claimed, “a server and parlay gateway combination,” “wherein the server portion of said server and parlay gateway combination comprises a HTTP server,” “wherein said server and parlay gateway combination provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone network,” “forwarding said executable CCXML routing application from said server and parlay gateway combination to said service node,” and “dynamically transforming said routing requirement into a CCXML routing application using said server and parlay gateway combination.”

[0023] The Examiner alleges that McQuillan discloses Applicant's claimed, "parlay gateway," is equivalent to McQuillan's webserver 30 with parlay I/F in Fig. 3, and Applicant's claimed, "provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone network," is suggested in McQuillan's disclosure at column 9, lines 9-17, 47-48, and column 10, lines 20-27, 60-65. However, this subsequent disclosure is with respect to the Parlay Client Proxy 50 as denoted in Fig. 4, and not the webserver 30 as illustrated in Fig. 3.

[0024] The Examiner alleges that Weaver discloses "location information" transformed into a "protocol understood by an application within the mobile station." Weaver states in column 9, lines 25-33:

In one embodiment, the application 50 may request the 25 location of the mobile station 14 from the location platform server 34 through a Parlay gateway (not shown in FIG. 4). The Parlay gateway may translate the application's request for the location of the mobile station 14 into a protocol understood by the location platform server 34. Additionally, 30 the Parlay gateway may translate the location information obtained from the location platform server 34 into a protocol understood by the application 50. (Emphasis added.)

[0025] However, Applicant respectfully traverses the Examiner's interpretation of Weaver's "translating protocols" as being equivalent to Applicant's claimed "executable routing application." Applicant contends that merely translating from one protocol to another is not equivalent to Applicant's claimed, "dynamically transforming said routing requirement into an executable routing application." This feature of Applicant's invention is important to allow a service node to independently execute the executable routing application to control routing of the telephone call. Weaver's recipient of the translated protocol is the application 50 which merely manages a polling process used to determine when a mobile station is located within a given range of a desired location, (column 9, lines 3-6).

[0026] Additionally, the Examiner fails to provide proper and adequate motivation to combine the references based on one of ordinary skill in the art or based on the teaching or suggestion of the prior art. The Examiner in the first full paragraph of page 7 of the Office Action merely states that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Bhatia et al. with the teachings of Weaver, McQuillan and Dunko, by merely reciting the Applicant's claim language. Applicant traverses this rejection as being improper for failing to provide proper motivation to combine the references from the teachings of the references. Therefore, Weaver and McQuillan fail to overcome the deficiencies of Bhatia.

[0027] In summary, Weaver discloses translating a communication request from one protocol to another protocol, and McQuillan discloses a webserver including a parlay interface, while Applicant's claimed invention is directed toward dynamically transforming a routing requirement into an executable routing application that enables routing of a telephone call when executed at a service node.

[0028] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Bhatia, McQuillan, Dunko and Weaver (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

III. FORMAL MATTERS AND CONCLUSION

[0029] In view of the foregoing, Applicant submits that claims 15, 17, 21-22, 24, 28, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above

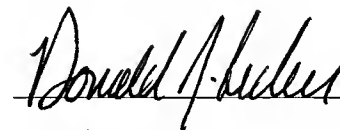
application to issue at the earliest possible time.

[0030] Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic interview.

[0031] The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0469.

Date: December 15, 2008

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Donald J. Lecher", written over a horizontal line.

Donald J. Lecher, Esq.

Registration No. 41,933

GIBB IP LAW FIRM, LLC

2568-A Riva Road, Suite 304

Annapolis, Maryland 21401

Voice: 410-573-6501

Fax: 301-261-8825

E-mail: Lecher@gibbiplaw.com

Customer No. 29154